

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 4-23224-CIV-ALTONAGA/Reid

MITCHELL SCHUSTER,

Plaintiff,

v.

NATALIE CRAWFORD, *et al.*,

Defendants.

JOINT DISCOVERY PLAN

Pursuant to this Court's September 7, 2024 Order Requiring Scheduling Report and Certificates of Interested Parties (ECF No. 7), Local Rule 16.1, and FRCP 16 and 26(f), Plaintiff Schuster ("Trustee") and Defendant Garlinghouse ("Garlinghouse" and collectively, "Parties")¹ hereby submit the following proposed Joint Discovery Plan:

1. The likelihood of settlement.

The Parties remain open to the possibility of settlement and will work to resolve this matter efficiently.

2. The likelihood of appearance in the action of additional parties.

Defendant Natalie Crawford will appear in this matter once service has been perfected upon her. The Parties reserve the right to amend in accordance with governing law should additional parties be identified during discovery.

¹ Pursuant to the Court's Order, within ten (10) days of appearing in this matter, "the parties are directed to prepare and file a joint scheduling report." ECF No. 7. Defendant Garlinghouse appeared on September 27, 2024 making the deadline to file this Joint Discovery Plan October 7, 2024. The Parties reserve the right to amend after all Defendants have been served.

- 3. Proposed limits on the time: (i) to join other parties and to amend the pleadings; (ii) to file and hear motions; and (iii) to complete discovery.**

A Joint Proposed Scheduling Order is attached hereto as Exhibit A.

- 4. Proposals for the formulation and simplification of issues, including the elimination of frivolous claims or defenses, and the number and timing of motions for summary judgment or partial summary judgment.**

The Parties will work together to stipulate to undisputed facts, avoid redundant and overbroad discovery, and will discuss stipulating to the authenticity of documents during the course of discovery. The proposed timing for filing motions for summary judgment is included in the attached proposed Joint Proposed Scheduling Order.

- 5. The necessity or desirability of amendments to the pleadings.**

There is no necessity to amend the pleadings. The Parties reserve the right to amend in accordance with governing law should amendments to the pleadings become necessary.

- 6. The possibility of obtaining admissions of fact and of documents, electronically stored information or things which will avoid unnecessary proof, stipulations regarding authenticity of documents, electronically stored information or things, and the need for advance rulings from the Court on admissibility of evidence.**

The Parties will work together to stipulate to undisputed facts and will continue to discuss stipulating to the authenticity of documents during the course of discovery. The Parties will continue to work amicably on discovery issues that may arise, and do not currently anticipate a need for advance rulings from the Court on the admissibility of evidence.

- 7. Suggestions for the avoidance of unnecessary proof and of cumulative evidence.**

The Parties will work together to simplify the issues and stipulate to undisputed facts.

8. Suggestions on the advisability of referring matters to a Magistrate Judge or master.

The Parties wish to use a Magistrate Judge for discovery purposes only, should discovery disputes arise.

9. A preliminary estimate of the time required for trial.

The parties currently estimate two (2) days for trial. However, this estimate could be different depending on the outcome of any dispositive motions.

10. Requested date or dates for conferences before trial, a final pretrial conference, and trial.

The proposed timing for conferences and trial are included in the attached Joint Proposed Scheduling Order.

11. Any issues about: (i) disclosure, discovery, or preservation of electronically stored information, including the form or forms in which it should be produced; (ii) claims of privilege or of protection as trial-preparation materials, including -- if the parties agree on a procedure to assert those claims after production -- whether to ask the court to include their agreement in an order under Federal Rule of Evidence 502; and (iii) when the parties have agreed to use the ESI Checklist available on the Court's website (www.flsd.uscourts.gov), matters enumerated on the ESI Checklist.

The Parties will negotiate mutually agreeable protocols to govern electronically stored information, as necessary. The Parties will continue to work amicably on discovery issues, and do not currently anticipate a need for advance rulings from the Court on the admissibility of evidence.

12. Any other information that might be helpful to the Court in setting the case for status or pretrial conference.

None.

Dated: October 7, 2024

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EXHIBIT A

**UNITED STATES DISTRICT COURT
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MITCHELL SCHUSTER,

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JOINT PROPOSED SCHEDULING ORDER

THIS CAUSE having come before the Court on the Proposed Scheduling Report pursuant to S.D. Fla. L.R. 16.1(B), and the Court being otherwise fully advised, it is hereby ORDERED AND ADJUDGED as follows:

1. This case shall be assigned to the expedited management track pursuant to S.D. Fla. L.R. 16.1(A)(2)(a).
2. Discovery:
 - a. Initial disclosures required by Fed. R. Civ. P. 26(a)(1) and by this Court's Notice of Scheduling Conference must be completed by November 25, 2024.
 - b. All requests for production of documents and interrogatories must be served by March 3, 2025.
 - c. All requests for admission must be served May 1, 2025.

- d. All depositions, other than expert depositions, must be completed by May 30, 2025.
3. Any agreements or issues to be decided by the Court regarding the preservation, disclosure, and discovery of documents, electronically stored information, or things shall be filed with the Court by December 16, 2024.
4. The parties shall have until December 16, 2024 to join additional parties and amend the pleadings.
5. Dispositive motions shall be completed by July 15, 2025.
6. All pretrial motions shall be filed on or before September 19, 2025.
7. The Court shall resolve all pretrial motions on or before October 6, 2025.
8. A pre-trial conference shall be held on October 13, 2025.
9. The trial of this case shall commence on October 20, 2025.

DONE AND ORDERED in Chambers in _____, Florida this _____ day of _____, 2024.

CECILIA M. ALTONAGA
CHIEF UNITED STATES DISTRICT JUDGE